



中華人民共和國香港特別行政區政府總部食物及衛生局
Food and Health Bureau, Government Secretariat
The Government of the Hong Kong Special Administrative Region
The People's Republic of China

Our Ref : FHB/F/6/8/40/3
Your Ref : LS/S/8/14-15

Tel no : 3509 7927
Fax no : 2136 3281

19 November 2014

Ms Clara TAM
Assistant Legal Adviser
Legislative Council
Legislative Council Complex
1 Legislative Council Road
Central, Hong Kong

Dear Ms TAM,

**Re: Dangerous Dogs Regulation (Exemption) (Amendment)
Notice 2014 (L.N. 137 of 2014) and
Rabies (TNR Programme) (Exemption) Notice (L.N. 138 of 2014)**

We refer to your letter dated 17 November 2014, in which you raised two issues for clarification in regard to the Dangerous Dogs Regulation (Exemption) (Amendment) Notice 2014 (L.N. 137 of 2014) and the Rabies (TNR Programme) (Exemption) Notice (L.N. 138 of 2014) (collectively referred to as “the Notices”). The Administration’s responses to the issues raised are as follows.

Expiration of the Notices

As set out in paragraph 9 of the LegCo brief issued on 12 November 2014, proponents of the trap-neuter-return (TNR) concept believe that, through this method, the stray dog population will gradually

decline without resorting to euthanasia. From available overseas experience and data, however, the effectiveness of TNR in reducing the stray dog population and its associated nuisance has yet to be scientifically proven.

The Society for Prevention of Cruelty to Animals (SPCA) and the Society for Abandoned Animals (SAA), which have been advocating the TNR concept have proposed, and the Agriculture, Fisheries and Conservation Department (AFCD) has agreed to facilitate the pursuit of an initiative under which a three-year trial TNR programme in two selected sites in Cheung Chau and Tai Tong will be carried out, with a view to ascertaining the effectiveness of TNR as a means to tackle the problems posed by stray dogs and associated nuisance. For the purpose of implementing the trial programme, the Director of Agriculture, Fisheries and Conservation (DAFC) has made the Notices to disapply certain provisions in the existing Dangerous Dogs Regulation (Cap. 167D), the Rabies Ordinance (Cap. 421) and the Rabies Regulation (Cap. 421A).

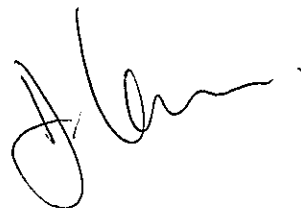
As we have explained in the LegCo Brief, whilst the trial TNR programme is intended to run for three years, it might be subject to termination in order to safeguard public health and safety as and when there is emergence of any rabies or zoonotic disease case in Hong Kong where transmission by stray dogs is confirmed to play a role in the disease epidemiology. Besides, upon expiry of the three-year trial period, AFCD may consider continuation or otherwise of the TNR programme taking into account the overall assessment on the effectiveness of the TNR programme in tackling the problems posed by stray dogs and associated nuisance. In the event that the TNR programme is to be terminated, DAFC will repeal the relevant provisions for the exemptions in the Notices by means of subsidiary legislation.

In view of the possible variation on the duration of the TNR programme as explained above and to allow flexibility, we have decided not to add any provision regarding the expiry of the new exemptions.

Chinese Rendition of Section 5(2)(a)(i) in the Rabies (TNR Programme) (Exemption) Notice (L.N. 138 of 2014)

Regarding section 5(2)(a)(i) in the Rabies (TNR Programme) (Exemption) Notice, the Chinese rendition for the clause “assessing its suitability for being released within a trial zone” is “評估該狗隻於試驗區內釋放的適合程度”. We have referred your observation to the Department of Justice for consideration and advice. We are advised that the dictionary meaning of “suitable” means “right or appropriate for a particular purpose or occasion”, and “suitability” means “the quality of having the properties that are right for a specific purpose”. The word “suitability” with the Chinese rendition “適合程度” is adopted in other legislation (e.g. section 7(1)(b)(ii) in the Child Care Services Ordinance (Cap. 243)), which is used in similar context as the current case in point. It is considered that the Chinese rendition “評估該狗隻於試驗區內釋放的適合程度” in section 5(2)(a)(i) is appropriate.

Yours sincerely,



(Hanny LAM)

for Secretary for Food and Health

c.c.

Secretary for Justice

(Attn.: Ms Mabel CHEUNG)

(Attn.: Miss Shirley LI)

Director of Agriculture, Fisheries and Conservation

(Attn.: Dr Thomas SIT)

Fax: 2845 2215

Fax: 2845 2215

Fax: 2311 3731